

**GROUP OF GOVERNMENTAL EXPERTS OF  
THE STATES PARTIES TO THE CONVENTION  
ON PROHIBITIONS OR RESTRICTIONS ON  
THE USE OF CERTAIN CONVENTIONAL  
WEAPONS WHICH MAY BE DEEMED TO BE  
EXCESSIVELY INJURIOUS OR TO  
HAVE INDISCRIMINATE EFFECTS**

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Working Group on Explosive Remnants of War

**EXPLOSIVE REMNANTS OF WAR: VICTIM ASSISTANCE**

Working Paper by South Africa

1. INTRODUCTION

- 1.1 The devastating effects that explosive remnants of war (ERW) have on the lives of innocent civilians has drawn the attention of the international community to address the ERW issue so as to eliminate this scourge. Victim assistance is, therefore, one of the pillars of action to be taken in comprehensively addressing the issue of explosive remnants of war. Valuable lessons could be learned from other international instruments on how to effectively deal with the issue of victim assistance within the context of an instrument on ERW.
- 1.2 In dealing with the issue of victim assistance there should not be an attempt to apportion blame, or place any obligation or responsibility for victim assistance on any party to a conflict. Victim assistance should, as with the issues of clearance, information and warning underline the concept of co-operation and shared responsibility.
- 1.3 It is, therefore, important that a holistic approach should be used to address the issue of victim assistance in the context of an instrument on ERW. In the short to medium term, assistance such as emergency medical treatment and care, as well as physical rehabilitation and psychological support are urgently required. The challenge will remain to make long-term commitments that would help in the health and socio-economic reintegration needs of the ever increasing numbers of ERW survivors, their families and communities. In the long term, survivors of ERW could be considered as people with disabilities, since they will not be able to continue to their lives as they did before the accident. The needs of families, as well as of ERW-affected communities must also be taken into consideration.
- 1.4 People who have been injured by explosive remnants of war are not different from those injured by mines. They also require the basic care such as emergency first aid, medical care including surgery, physical rehabilitation, prosthetics and other devices to

assist victims, psychiatric support and assistance for long-term social and economic re-integration. Therefore, ERW survivors need to be included in to the existing national health and disability programmes. In the event that the country does not have a functioning health system, even more efforts will be required to ensure that ERW victims receive the care that is needed. A sustainable development approach to the problems caused by ERW could provide the necessary long-term assistance to victims, survivors, their families and ERW-affected communities.

- 1.5 National disability laws or development thereof if they do not exist, would assist in eliminating discrimination against ERW victims and other people with disabilities. This goal could be achieved through empowering victims by providing them adequate education, assisting them to acquire skills and vocational training, providing equal access to job opportunities and facilitating mobility and access to transport. There could be no better way of assisting the victims than providing them with the means and opportunity to earn a living and be able to reintegrate as contributing members of society.
- 1.6 In dealing with the issue of victim assistance it is important to promote the rights of people with disabilities in general and not only specifically ERW victims. This would therefore require government policies that would integrate ERW victims into their national health and disability policies.

## 2. PROPOSAL

- 2.1 To enable a framework to be established wherein the issue of victim assistance could be addressed in an instrument on explosive remnants of war; it is proposed that the following Article should be incorporated in an ERW instrument:

### ARTICLE ...: VICTIM ASSISTANCE

1. In fulfilling its obligations under this Article each High Contracting Party has the right to seek and receive assistance, where feasible, from other High Contracting Parties to the extent possible.
2. Without delay after the cessation of active hostilities, each High Contracting Party undertakes, to the extent possible, and in co-operation with relevant organisations, to collate and disseminate data on victims of explosive remnants of war in areas under their control.
3. Each High Contracting Party in a position to do so shall provide assistance for the care and rehabilitation, and social and economic reintegration, of victims of explosive remnants of war. Such assistance may be provided, inter alia, through the United Nations systems, international, regional or national organisations or institutions, the International Committee of the Red Cross, national Red Cross and Red Crescent societies and their International Federation, non-governmental organisations, or on a bilateral basis.
4. Requests by High Contracting Parties for assistance for the care and rehabilitation, and social and economic reintegration, of victims of explosive remnants of war, substantiated by relevant information, may be submitted to the

United Nations, to other appropriate bodies, or to other High Contracting Parties. Requests to the United Nations may be submitted to the Secretary-General of the United Nations, who shall transmit them to all High Contracting Parties and to relevant international, regional, national or non-governmental organisations.

5. Each High Contracting Party may also request the United Nations, regional organisations, other High Contracting Parties or other competent intergovernmental or non-governmental fora to assist their authorities in the elaboration of a national programme to assist victims of explosive remnants of war.
  6. Each High Contracting Party shall provide annual reports to the depository on the implementation of this Article by the High Contracting Party.
  7. Each High Contracting Party giving and receiving assistance under the provisions of this Article shall co-operate with a view to ensuring the full and prompt implementation of agreed assistance programmes.
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